

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DIANE BRISCOE, <u>et al.</u></b>	:	: <b>CIVIL ACTION</b>
	:	
v.	:	
	:	: <b>NO. 12-5176</b>
<b>OFFICER STEVEN JACKSON, <u>et al.</u></b>	:	

**ORDER**

**AND NOW**, this 24th day of February, 2014, upon consideration of the “Motion for Summary Judgment of Defendants, Upland Borough, Officer Steven Carr and Officer Steven Jackson” (Doc. No. 13), the response thereto, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that:

- The motion is **GRANTED** with respect to the constitutional claims found in Counts I, II, III, IV, V (first occurrence)<sup>1</sup> and VI of Plaintiffs’ complaint.
- With regard to the remaining state law claims for assault and battery and malicious prosecution, found at Counts V (second occurrence) and VI of Plaintiffs’ complaint, we decline to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367(c)(3). Accordingly, these claims are **DISMISSED without prejudice**.
- The Clerk of Court shall mark this case **CLOSED**.

**BY THE COURT:**

/s/ **Mitchell S. Goldberg**

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**Mitchell S. Goldberg, J.**

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<sup>1</sup> Plaintiffs’ claims for failure to investigate and their claims for assault and battery are both identified as “Count V” in the complaint.